

Amendment No. 1 to HB0226

Terry
Signature of Sponsor

AMEND Senate Bill No. 982

House Bill No. 226*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-29-103, is amended by adding the following as new subdivisions:

() "Private laboratory":

(A) Means a medical laboratory that is required to be licensed under this title performing patient tests not affiliated with state government and owned by a private entity; and

(B) Includes hospital-based laboratories;

() "Pharmacy" means a pharmacy licensed by the board of pharmacy pursuant to title 63, chapter 10;

SECTION 2. Tennessee Code Annotated, Section 68-29-116, is amended by adding the following as a new subsection:

(c) Medical laboratory directors may monitor medical laboratory personnel remotely.

SECTION 3. Tennessee Code Annotated, Section 68-29-104, is amended by adding the following new subdivisions:

(12) A pharmacy possessing an active Clinical Laboratory Improvement Amendments of 1988 (CLIA) Certificate of Waiver;

(13) Medical personnel employed by and performing testing at a private laboratory;

SECTION 4. Tennessee Code Annotated, Section 68-29-103, is amended by deleting subdivision (22) and substituting the following:

"Waived" means those laboratory tests systems cleared by the United States food and drug administration (FDA) for home use and those tests approved for waiver under the federal Clinical Laboratory Improvement Amendments of 1988 (CLIA) (42 U.S.C. § 263a).

SECTION 5. Tennessee Code Annotated, Section 68-29-121, is amended by adding the following as a new subsection:

(d) Notwithstanding § 68-29-104(13), this section applies to medical personnel employed by and performing testing at a private laboratory.

SECTION 6. Tennessee Code Annotated, Section 68-29-129, is amended by deleting subdivision (7) and substituting the following:

(7) Solicit the referral of specimens to the person's or another medical laboratory or contract to perform medical laboratory examinations of specimens in a manner that offers or implies an offer of rebates to any person submitting specimens, other fee-splitting inducements, participation in fee-splitting arrangements, or other unearned remuneration. Notwithstanding § 68-29-104(13), this subdivision (7) applies to medical personnel employed by and performing testing at a private laboratory;

SECTION 7. This act takes effect upon becoming a law, the public welfare requiring it.